



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **H.3131** and enrolled the bill for ratification. This bill authorizes the **ISSUANCE OF SPECIAL MOTOR VEHICLE LICENSE PLATES TO FORMER MEMBERS OF THE SOUTH CAROLINA DELEGATION OF THE UNITED STATES CONGRESS AND RETIRED JUDICIAL OFFICERS** elected by the General Assembly or confirmed by the United States Senate.

The House approved and sent to the Senate **H.3219**, relating to **ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS**. Currently contested cases arising under the Occupational Safety and Health Act are heard by the South Carolina Occupational Safety and Health Review Board. This bill provides that an administrative law judge rather than the Board will hear such cases. Relating to the Department of Labor, Licensing and Regulation (LLR) hearing occupational health and safety contested cases, this bill provides that a party aggrieved by a citation, penalty, or abatement issued by LLR may request a contested case hearing before the administrative law court in accordance with the Administrative Procedures Act. Hearings must be conducted according to the rules of the Administrative Law Court, and an appeals procedure is provided. An individual, partnership, corporation, or other business entity is not required to be represented by an attorney when appearing in a contested case before the Administrative Law Court, but may appear by an officer or an employee.

The House approved and sent to the Senate **H.4447**, a bill that extends from February 1, 2008, to November 1, 2008, the date by which the **OFFSHORE NATURAL GAS EXPLORATION FEASIBILITY STUDY COMMITTEE** is required to make its report to the General Assembly.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, January 15, 2008.

H.3219, relating to **ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS**, received a favorable recommendation from the committee. Currently contested cases arising under the Occupational Safety and Health Act are heard by the South Carolina Occupational Safety and Health Review Board. This bill provides that an administrative law judge rather than the Board will hear such cases. Relating to the Department of Labor, Licensing and Regulation (LLR) hearing occupational health and safety contested cases, this bill provides that a party aggrieved by a citation, penalty, or abatement issued by LLR may request a contested case hearing before the administrative law court in accordance with the Administrative Procedures Act. Hearings must be conducted according to the rules of the Administrative Law Court, and an appeals procedure is provided. An individual, partnership, corporation, or other business entity is not required to be represented by an attorney when appearing in a contested case before the Administrative Law Court, but may appear by an officer or an employee.

The Judiciary Committee adjourned debate on the following bills:

- **S.94**, pertaining to **ELECTIVE SHARE PROVISIONS**
- **S.369**, relating to **PROHIBITION ON SMOKING WHILE CERTAIN CHILDREN ARE IN MOTOR VEHICLES**

The following two bills were recommitted to the Criminal Laws Subcommittee:

- **S.103**, providing for **SCHOOL SMOKING PROHIBITIONS**
- **S.43**, pertaining to **SEX OFFENDER SURVEILLANCE**

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

H. 4497 CLASSIFICATIONS OF BIRDS, ANIMALS, AND FISH, Rep Loftis

Currently, white perch is included in the state's bird game classification. This bill removes white perch from the list.

EDUCATION AND PUBLIC WORKS

H.4473 WORLD WAR II SPECIAL LICENSE PLATES Rep. Gullick

Currently, the fee for the issuance of a World War II special motor vehicle license plate is \$20 biennially, which must be distributed to the Department of Education and used to support and promote ROTC programs public schools. This bill deletes the \$20 biennial fee for the issuance of these special license plates.

H.4486 DEPARTMENT OF MOTOR VEHICLES' TESTING Rep. Walker

This bill provides that the Department of Motor Vehicles' electronic and paper-testing forms must be produced in an English-only format unless otherwise required by federal law or regulation.

H.4503 DEPARTMENT OF MOTOR VEHICLES' REGULATIONS Rep. Walker

This bill authorizes the Department of Motor Vehicles to promulgate certain regulations.

H.4511 MOPED DRIVER'S LICENSES Rep. Walker

Relating to moped driver's licenses, this bill repeals Section 56-1-1750 which provides that a photograph of the licensee is not required in accordance with section 56-1-150.

JUDICIARY

H.4474 ELECTRIC OR TELEPHONE COOPERATIVES Rep. Harrison

Relating to definitions in connection with the Uniform Unclaimed Property Act, this bill defines the terms "approved uses" and "electric or telephone cooperative's service area." This bill also outlines an alternative method of disposition of patronage allocations in connection with an electric or telephone cooperative.

H.4476 DEPARTMENT OF LABOR, LICENSING AND REGULATION Rep. Harrison

This bill authorizes the Department of Labor, Licensing and Regulation (LLR) to require criminal history background checks of various applicants; the bill also authorizes LLR to require such a background check in connection with an investigation or disciplinary proceeding. This bill further authorizes LLR to promulgate regulations to establish procedures for conducting contested case proceedings. Under this bill, costs and fines imposed by LLR are subject to the Set-Off Debt Collection Act.

H.4489 TRAFFIC STOP INFORMATION COLLECTION Rep. Rutherford

This bill provides for the collection and compilation of certain information gathered by a law enforcement officer when issuing a uniform traffic ticket. The bill requires the director of the Department of Public Safety to analyze and report certain data related to

stopped motor vehicles driven by members of each race. The governor may withhold state funds from a law enforcement agency that fails to comply with these provisions. If a law enforcement agency fails to comply with these provisions, the director of the Department of Public Safety may withhold accreditation of the noncompliant law enforcement agency.

H.4491 ELUDING A LAW ENFORCEMENT OFFICER AFTER A LAWFUL STOP

Rep. Mahaffey

This bill creates the offense of eluding a law enforcement officer after a lawful stop. The bill provides penalties, including suspension of the person's driver's license under certain circumstances.

H.4495 STATE INSPECTOR GENERAL Rep. Sellers

This bill creates the office of the State Inspector General to address fraud, waste, abuse, and wrongdoing within the South Carolina executive government agencies. The Inspector General is appointed by the Governor with the advice and consent of the Senate for a term of six years.

H.4496 STATUE OF BENJAMIN RYAN TILLMAN Rep. Rutherford

This is a joint resolution directing the Office of General Services of the State Budget and Control Board to remove from the State House Grounds the statue of Benjamin Ryan Tillman.

H.4501 DRIVING WHILE USING CELL PHONES AND OTHER DEVICES

Rep. Hart

This bill provides that it is unlawful for a person to operate a vehicle while using a cell phone, pager, personal digital assistant device, or another wireless communications device while the vehicle is in motion. This prohibition does not apply to a device that is equipped with and operated with a hands-free mechanism. Penalties are provided for violations.

H.4504 ISSUANCE OF A DRIVER'S LICENSE TO A HABITUAL OFFENDER

Rep. Walker

Relating to the issuance of a driver's license to a habitual offender, this bill deletes the term "magistrate" and inserts the term "Administrative Law Court, Division of Motor Vehicle Hearings."

H.4505 MAGISTRATE APPEALS Rep. Walker

Relating to the appeal of a decision of a magistrate, this bill requires an appellant to serve a notice of appeal of a decision of a magistrate to all parties in the case.

H.4508 PROHIBITION ON SMOKING IN ANY PUBLIC OUTDOOR GATED ATHLETIC EVENT Rep. Skelton

This bill provides that it is unlawful for a person to smoke or possess lighted smoking material in any form in a public outdoor gated athletic event or within 25 feet of any entrance to such an event.

**H.4516 JUDGMENT BY DEFAULT IN A CIVIL ACTION MAY NOT BE
ENTERED AGAINST A PERSON IN ACTIVE MILITARY SERVICE
Rep. Anderson**

This bill provides that a judgment by default in a civil action may not be entered against a person in active military service of the United States or the South Carolina National Guard if the person has not made an appearance in a court in which the action is pending due to the fulfillment of his military obligation. Exceptions are provided for compliance with certain federal law and for the enforcement of child support and spousal support.

H.4517 CAMPUS POLICE/SECURITY DEPARTMENTS Rep. Haskins

This bill provides that every campus police/security department shall implement policies and procedures to govern their operations. This bill revises various definitions relating to campus police/security departments. Among other things, the bill revises the markings that may appear on a campus police officer's vehicle and authorizes the use of campus unmarked vehicles. The bill repeals Section 59-116-70, relating to the posting of a bond by a campus police officer before the assumption of their duties.

LABOR, COMMERCE AND INDUSTRY

**H.4483 UNAUTHORIZED USE OF A BANKING ENTITY'S LOGO OR NAME
Rep. Cato**

This bill revises the prohibition of the use of the word "bank" in connection with a pursuit other than banking, so as to prohibit the use of a banking entity's logo or name in connection with a financial transaction without its written consent.

WAYS AND MEANS

**H.4465 LIMITATIONS ON MULTI-TERM STATE PROCUREMENT
CONTRACTS Rep. Cooper**

This bill revises provisions for multi-term contracts under the South Carolina Consolidated Procurement Code, so as to limit a multi-term contract to a maximum of five years. An exception is provided for South Carolina Lottery Commission contracts. Additionally, a contract of one million dollars or less may be extended for only one five-year term for just cause by unanimous written consent of the State Budget and Control Board.

**H.4470 TAX CREDITS AND INCENTIVES FOR FIRE SPRINKLER SYSTEM
INSTALLATION AND IMPROVEMENT Rep. Harrell**

This bill provides a state income tax credit for the purchase, installation, or improvement of a fire sprinkler system. The legislation limits charges imposed by municipal and special service district water systems for separate lines for fire sprinkler systems to actual costs. The legislation provides a sales tax exemption for fire sprinkler systems. The legislation allows an exemption from county property taxes for five years for the first fifty thousand dollars of the cost of adding to and upgrades of fire sprinkler systems in manufacturing establishments in existence before July 1, 2008. The legislation revises

provisions for the depreciation allowed in the valuation of manufacturing property for purposes of the property tax, so as to allow a twenty percent annual depreciation for the addition or upgrade of a fire sprinkler system installed or upgraded in a manufacturing establishment in existence before July 1, 2008. The legislation allows this cost to be completely depreciated. The State Fire Marshal is assigned additional authority relating to fire sprinkler systems.

H.4478 SUBSEQUENT STATE EMPLOYMENT OF RETIRED JUDGES AND SOLICITORS Rep. W. D. Smith

This bill allows a retiree from the South Carolina Retirement System for Judges And Solicitors to receive a retirement allowance from that system while in subsequent employment covered by the South Carolina Retirement System or the South Carolina Police Officers Retirement System. The legislation provides that this retiree is not a member of, does not make contributions to, and accrues no service credit on account of this subsequent employment.

H.4479 HOMESTEAD EXEMPTION FOR SENIOR CITIZENS AND THE DISABLED INDEXED TO INFLATION Rep. Shoopman

This bill revises provisions for the fifty thousand dollar homestead exemption for persons over sixty-five years of age and disabled persons so as to index the exemption amount to inflation in the same manner and by the same percentage that federal income tax brackets are adjusted to reflect increases in the Consumer Price Index.

H.4485 USE OF STATE PARK FACILITIES AND CAMPSITES BY SENIOR CITIZENS, THE BLIND, OR DISABLED AND BY DISABLED VETERANS

Rep. Bales

This bill revises provisions relating to use of State Park facilities and campsites at reduced rates by senior citizens, the blind, or disabled, so as to provide that such persons may also use the campgrounds of State Parks at one half the prescribed fee. The legislation provides that disabled veterans may not only gain admission to but also use the campgrounds of state parks without charge.

H.4487 LIMITATIONS ON APPROPRIATIONS MADE FOR RECURRING PURPOSES FROM NONRECURRING GENERAL FUND REVENUES

Rep. Thompson

This bill provides that, unless approved by a two-thirds vote of the membership of each house of the General Assembly, appropriations made for recurring purposes from nonrecurring general fund revenues for a fiscal year may not exceed one percent of the total general fund revenues estimated by the Board of Economic Advisors to be available for that fiscal year at the time such appropriations are made.

H.4488 BUDGET BALANCING REQUIREMENTS FOR PROPOSED SPENDING

Rep. Thompson

This bill provides that an amendment to the General Appropriations Bill and Supplemental Appropriations Bills which has the effect of appropriating funds in excess of five hundred thousand dollars during the fiscal year stated within the bill must include

within the amendment the corresponding appropriation reduction and/or revenue increase within the same section that fully funds the amendment's proposed appropriation or have attached to it in writing an explanation of the specific appropriation reduction and/or revenue increase from the different section that fully funds the amendment's proposed appropriation.

**H.4493 ALTERNATIVE FLAT RATE INDIVIDUAL INCOME TAX AND
CIGARETTE TAX INCREASE Rep. Merrill**

This bill provides that the income tax liability of an individual income taxpayer is the lesser of the amount determined by applying the existing rates and brackets to the taxpayer's South Carolina taxable income or applying a flat rate of 3.4 percent to the adjusted gross income reported as the taxpayer's federal income tax return. The legislation increases the existing license tax on cigarettes by 1.5 cents a cigarette and provides that the additional revenue of the tax must be credited to the general fund of the State to replace individual income taxes not collected as a result of the alternative flat tax method of calculating State individual income tax liability.

**H.4494 REVISIONS TO FUNDING PROVISIONS OF RESEARCH CENTERS
OF**

ECONOMIC EXCELLENCE Rep. Harrell

This bill revises references as to sources of funds for endowed professorships in provisions relating to Research Centers of Economic Excellence. The legislation revises provisions relating to the Centers of Excellence Matching Endowment, so as to provide that interest earnings of the endowment may be used for programmatic support in accordance with board policies and guidelines. The legislation allows senior research universities to utilize a portion of nonstate matching funds to pay for initial operating costs. The legislation allows these universities to accept and apply cash equivalent and in-kind donations from nonstate sources.

**H.4499 AWARDING OF ATTORNEY'S FEES WHEN A TAXPAYER PREVAILS
IN THE ASSESSOR'S DENIAL OF AGRICULTURAL USE VALUE OF
REAL PROPERTY Rep. Kirsh**

This bill revises provisions relating to the awarding of reasonable attorney's fees if a taxpayer prevails in the assessor's denial of agricultural use value of real property and a finding by the Administrative Law Court that the assessor's action was unreasonable. Under the legislation, this provision applies to both the denial of an application for agricultural use value and an action by the assessor to remove real property from that status. The legislation provides for the payment of expenses plus attorney's fees and provides for this reimbursement of attorney's fees and expenses after the taxpayer prevails in any final appeal of the contested case. The legislation also eliminates the required finding that the assessor's decision was not reasonable.

**H.4500 SALES TAX EXEMPTION FOR MACHINERY USED IN THE
PRODUCTION OF ELECTRICITY FROM RENEWABLE ENERGY
SOURCES Rep. Stavrinakis**

This bill establishes a State sales tax exemption for machinery and machine tools and parts used in the production of electricity from a renewable source such as solar, wind, tides, geothermal, and biomass.

**H.4510 SALES TAX EXEMPTION FOR PRESCRIPTION CORRECTIVE
LENSES**

AND RAW MATERIALS USED THEIR MANUFACTURE Rep. Owens

This bill establishes a State sales tax exemption for corrective lenses sold by prescription and raw materials used in the manufacture of such lenses.

H.4512 *STATE HEALTH INSURANCE PLAN COVERAGE FOR ROUTINE MAMMOGRAMS AND PAP SMEARS Rep. Brady*

This joint resolution directs the State Budget and Control Board to conduct a “best practices” review to determine appropriate coverage for routine mammograms and pap smears by the State Health Insurance Plan. Based on that review, the board shall implement whatever coverage changes are necessary in the benefit structure of the State Health Insurance Plan to conform with these best practices.

H.4513 *APPROPRIATION TO SCHOOL DISTRICTS ADVERSELY IMPACTED BY THE UNREVISED 2007 INDEX OF TAXPAYING ABILITY Rep. Jefferson*

This joint resolution appropriates \$9,154,990.63 from fiscal year 2007-2008 general fund revenues to supplement distributions to school districts adversely impacted by the unrevised 2007 Index of Taxpaying Ability.

H.4515 *SOUTH CAROLINA PROSTATE CANCER RESEARCH TRUST FUND Rep. Breeland*

This bill establishes the South Carolina Prostate Cancer Research Trust Fund and provides that trust fund revenues are to be used by the Department Health and Environmental Control to promote research related to prostate cancer. The legislation includes the South Carolina Prostate Cancer Research Trust Fund among the charitable contributions allowed to be made by means of a “check off” on individual State income tax returns.

Legislative Update, January 22, 2008

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